

REMARKS

Claims 3, 8 and 9 are pending in this application. By this Amendment, claims 1 and 2 are canceled and claims 8 and 9 are added. Claims 8 and 9 recite subject matter from original claims 1 and 2, respectively. No new matter is added.

Claim 1 is rejected under 35 U.S.C. §103(a) over Japanese Patent Publication No. 2002-201082 to Ichikawa in view of U.S. Patent No. 4,354,991 to Suzuki and Japanese Patent Publication No. 61-026565 to Kani. Claim 1 is canceled. Therefore, this rejection is moot. However, claim 8 recites several of the features of claim 1, as discussed below.

Claims 2 and 3 are rejected under 35 U.S.C. §103(a) over Ichikawa in view of Suzuki and Kani, and in further view of Japanese Patent Publication No. 61-291461 to Arakawa. Claim 2 is canceled. Therefore this rejection is moot with respect to claim 2. In regards to claim 3, this rejection is respectfully traversed.

Claim 3 recites a method of manufacturing a honeycomb structure wherein firing is performed on a protective container which contains an aluminum solid and the solid is "composed of a fire-resistant block body having water absorption equal to or above 0.05%." Applicant submits that it would not have been obvious to create a solid containing aluminum having a fire-resistant block body with water absorption greater than or equal to 0.05%.

The Office Action rejects the block body of claim 3 by asserting that it would be obvious to create "a block body having the specific properties recited, including water absorption (which would be dependant mostly on the material)."

However, as is known in the art, the water absorption of a refractory block is determined by the porosity or bulk density of the block, even if the components of the block are the same as another refractory block having a different porosity or bulk density.

The porosity of the block is determined based upon the method of manufacturing the body or upon the grain sizes of the refractory particulate bodies. Therefore, the Office

Action's assertion that water absorbtion is material dependent is incorrect. Rather, water absorbtion (in the form of porosity) is heavily dependent on manufacturing method. Therefore, it would not be obvious to create a refractory block having specific properties recited as these properties are a result of either specific methods of manufacture or upon specific grain sizes of refractory particulate bodies. As such, the recited solid containing aluminum composed of "a fire-resistant block body having water absorption equal to or above 0.05%" is not obvious as it requires specific steps to reach this variable range. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 3.

Claims 8 and 9 depend from claim 3. Specifically, claims 8 and 9 recite unique features from original claims 1 and 2, now made dependent on claim 3. As stated above, it would not be obvious to create the block body having specific properties as recited in claim 3. Therefore, claims 8 and 9 are in condition for allowance based on their dependence from claim 3, and for the separately patentable subject matter they recite.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 3, 8, and 9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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